

Second Party :

The Management of Widia (India) Ltd., Tumkur Road, Bangalore-22.

Reference :

Government Order No. SWL 26 LLD 76, dated 27th January 1976.

AWARD

1. The Government of Karnataka in their order No. SWL 26 LLD 76 dated 27th January, 1976, have referred an industrial dispute existing between the above named parties to this Court for adjudication on the points of dispute noted below :--

“ I. Are the management of Widia (India) Limited, Bangalore-22, justified in terminating the services of Sri V. Bashkar, I.No. 520 with effect from 9th October 1975 ?

II. If not, to what relief (s) is the said workmen entitled ?”

2. On receipt of reference, it was registered as Reference No. 32 of 1976 and notices were issued to both the parties. The Registered Notice issued to the First Party duly served on him. Then on 25th February 1976 the I Party has filed memo of authorisation authorising one Sri H. Basava Raju, Advocate and President of Trade Unions of Metro-malleable Manufactures (P) Ltd., to appear on behalf of him. But inspite of sufficient time granted to the I Party, he has not filed his claim statement. Further from 15th February 1977 and onwards neither the I Party nor his representative put in appearance before this Court, but chose to remain absent continuously and throughout. However, one more Registered notice was issued to the I Party. That registered notice returned unserved with a postal endorsement “ party left without instruction. Retd. to sender.” Therefore, I am constrained to proceed under Rule 23 of the Industrial Disputes (Karnataka) Rules, 1957, as if the I Party was present and had been duly represented.

3. On the other hand, the II Party was present. They have filed their statement on 26th March 1977 saying that the I Party has not at all filed his claim statement in spite of availing of sufficient time and opportunity and this shows that he is not interested in prosecuting this dispute and therefore the reference is liable for dismissal. It is further stated that the I party was charge-sheeted on 23rd June 1975 ; two days later one more charge-sheet was issued to him ; charges were separately enquired into by an independent enquiry officer appointed by the management. The workman attended both the enquiries and fully participated. The enquiries were conducted fairly and properly. The enquiry officer gave his findings that the charges were established against the I Party at the enquiry. Therefore considering the gravity and seriousness of the misconducts

proved against the workman, the management ordered his termination from service and therefore the II Party is perfectly justified in terminating the services of I Party and there are no ground for interference in the same. Hence the Reference may be dismissed.

4 Further, the II Party has examined one T. L. Ananda, liaison Officer as M. W. I. He has stated that he dealt with the personnels matters. He knows I Party workman. He says that I Party had printed certain defamatory matter against the management and published them and also distributed the same among the workers in the factory. M. W-1 further stated that the I party is also the editor, publisher and printer of Kannada Weekly called "Trivarna" and the defamatory matters regarding the II Party had been printed in that weekly dated 7th June 1975. Therefore they issued I Party charge sheet and conducted domestic enquiry, wherein I Party participated. The enquiry was conducted by one Mr. A. Y. N. Gupta, a practising Advocate. The enquiry officer submitted his enquiry report holding I party guilty of the charges levelled against him. Ex. M-1 are the enquiry records pertaining to the enquiry. He further says that when the 1st charge sheet was issued to I Party on 23rd June 1975, on the same night at about 8 p. m. I Party went to his (M. W-1's) house and threatened him to withdraw the charge-sheet. He had lodged a complaint to the police, and informed the company secretary. A second enquiry was also held by Sri A. Y. N. Gupta, wherein also the enquiry officer found I Party guilty of the charges levelled against him. Accepting the findings, the I party was dismissed from their service. Ex. M-2 are the records pertaining to the 2nd enquiry. He has also stated that the I Party did not make any demand over the management, but straight away approached the conciliation officer. Hence he prays for upholding the action of the II Party in dismissing the I party from service.

5 I have no reason to disbelieve the version of M. W-1 which stands unrebutted. I have also perused Ex. M-1 and M-2 enquiry proceedings and found that the enquiries have been conducted in a fair and proper manner. Besides, the I party has not at all shown any interest in the case. He has remained absent and he has not even filed his claim statement. In the circumstances, I am of the opinion that the Reference is liable for rejection.

6 In the result, I pass an award rejecting the Reference. The I party workman is not entitled to any relief. No order as to costs.

H. SHANMUKHAPPA,

*Presiding Officer,
Labour Court, Bangalore.*

"Copy"

H. SHANMUKHAPPA,
*Presiding Officer,
Labour Court, Bangalore.*